PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference VS 2241.1PCT				FOR FURTHER ACTION		See Form PCT/IPEA/416				
International application No.				International filing d	ate (day/month/year)	Priority date (day/month/year)				
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PCT	PCT/EP2004/010368			16.09.200	14	16.10.2003				
International Patent Classification (IPC) or national classification and IPC B65H63/06, D01 H13/22, D02G1/16, G01 B11/10, G01 N21/89, G01 N33/36										
	Applicant									
1		CMDU	& CO. KG							
JAC	14114 (GMDII	a co. Kg							
1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.									
2.	A									
3.	This rep	ort is also	accompanied by Al	NNEXES, comprising	;					
	a. 🔀	(sent to	o the applicant and	to the International Bi	ureau) a total of 2	sheets, as follows:				
	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).									
		s	heets which superse		-	considers contain an amendment that goes beyond				
	the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.									
	ь. 🗌	sent to	o the International I	Bureau only) a total of	(indicate type and nur	nber of electronic carrier(s))				
	related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see									
	Section 802 of the Administrative Instructions).									
4.	This rep	ort contair	ns indications relatii	ng to the following ite	ms:					
	X	Box No. I	Basis of the	report						
	Box No. II Priority									
	님	Box No. I	II Non-establis	shment of opinion with	n regard to novelty, inv	ventive step and industrial applicability				
		Box No. I		y of invention						
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement									
Box No. VI Certain documents cited										
	Box No. VII Certain defects in the international application									
Box No. VIII Certain observations on the international application										
Date of	submissic	on of the de	emand		Date of completion o	f this report				
Name and mailing address of the IPEA/EP					Authorized officer					
Facsimile No.					Telephone No.					

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/010368

Вох	No. I	Basis of the report								
1.		n regard to the language , this report is based on the internaticated under this item.	onal application in the language in	n which it was filed, unless otherwise						
		This report is based on translations from the original langua which is the language of a translation furnished for the pur		,						
		international search (Rule 12.3 and 23.1(b))								
		publication of the international application (Rule 12.	4)							
		international preliminary examination (Rule 55.2 and	d/or 55.3)							
2.	recei		gard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the 12 Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to ort);							
		the international application as originally filed/furnished								
	\boxtimes	the description:								
		pages 2-5		as originally filed/furnished						
		pages* _ 1,1a	_ received by this Authority on	15.03.2005 with letter of 11.03.2005						
		pages*	_ received by this Authority on							
	\boxtimes	the claims:								
		nos. 1-9		as originally filed/furnished						
		nos.*								
		nos.*	received by this Authority on							
		nos.*								
	\boxtimes	the drawings:								
		sheets 1/3-3/3		as originally filed/furnished						
		sheets*								
		sheets*	_							
	П	a sequence listing and/or any related table(s) – see Supplei	_							
3.	\Box		montal Box Relating to sequence E	Sibility.						
3.		The amendments have resulted in the cancellation of:								
		the description, pages								
			the claims, nos.							
		the drawings, sheets/figs								
4		any table(s) related to sequence listing (specify):		d 1:4-d 1-1 1d4 1d:						
4.		This report has been established as if (some of) the amenthey have been considered to go beyond the disclosure as the stable of	filed, as indicated in the Supplemen	ntal Box (Rule 70.2(c)).						
		the description, pages								
		the claims, nos.								
			the drawings, sheets/figs							
		the sequence listing (specify):	the sequence listing (specify):							
		any table(s) related to sequence listing (specify):								
*	If ite	em 4 applies, some or all of those sheets may be marked "suj	perseded."							

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/010368

Box		Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1.	Statement						
	Novelty (N)		Claims	1-9	YES		
			Claims		NO		
	Inventive step (IS)		Claims	1-9	YES		
			Claims		NO		
	Industrial applicability (IA) Clai		Claims	1-9	YES		
			Claims		NO		

2. Citations and explanations (Rule 70.7)

1. Prior art

This report makes reference to the following documents:

D1: DE 100 26 389 A1

D2: US-A-3 303 698

D3: JP 02 221427 A

D4: JP 06 128821 A

2. Technical field

The invention relates to a method of measuring the diameter and length of effects on yarn.

Novelty and inventive step (PCT Article 33(1) to (3))

- The subject matter of claims 1 to 9 is novel and involves an inventive step for the following reasons:
- 2. **D1** is considered to be the closest prior art. D1 describes that the beginning and the end of an effect are defined by the fulfillment of a first and second diameter criterion. The effect length is determined from this beginning and end. A

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

diameter average is formed using the values in the effect region.

- 3. The method according to **claim 1** differs from **D1** in that, between the beginning and end, a definable number of widest diameters is determined and in that the average value of these determined widest diameters is formed. This average value defines the diameter of the effect.
- 4. This method solves the problem of measuring the effect diameter irrespective of natural diameter fluctuations in the effect region.
- 5. Such a method of measuring effect diameters is neither known nor obvious from any of the available documents (D1-D4). Although D1 mentions that the numbers of maxima and minima in certain sections of the diameter signal are used, this is only for the purpose of making a comparison with pattern signals possible. D1 does not mention the use of these maxima and minima for forming an average value.
- 6. Claims 2 to 9 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.
- 4. Industrial applicability (PCT Article 33(1) and (4))

 The present invention is clearly industrially applicable.